

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>JOHN-PATRICK MAHON,</b>	)	<b>CASE NO. 1:18 CV 297</b>
	)	
<b>Petitioner,</b>	)	<b>JUDGE CHRISTOPHER A. BOYKO</b>
	)	
<b>v.</b>	)	
	)	<b><u>OPINION AND ORDER</u></b>
<b>CUYAHOGA COUNTY DOMESTIC</b>	)	
<b>RELATIONS COURT,</b>	)	
	)	
<b>Respondent.</b>	)	

**CHRISTOPHER A. BOYKO, J.:**

*Pro se* Petitioner John-Patrick Mahon filed this Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 to challenge an Order to pay child support issued by the Cuyahoga County Domestic Relations Court. In addition, he filed an Application to Proceed *In Forma Pauperis* (ECF # 2) in which he simply wrote “0” in every blank, without explanation as to how he survives with no income, no assets, no debts, no expenses and no assistance from others.

Pursuant to 28 U.S.C. § 1915, this Court may authorize the commencement of any civil or criminal proceedings or appeal without prepayment of filing fees, by a person who submits an affidavit that includes a statement of income and all assets the person possesses to demonstrate he or she is unable to pay the filing fee. 28 U.S.C. § 1915(a)(1). Proceeding *in forma pauperis* is a privilege, and not a right. *Wilson v. Yaklich*, 148 F.3d 596, 603 (6th Cir. 1998); *Weaver v. Toombs*,

948 F.2d 1004, 1008 (6th Cir. 1991); *Marshall v. Beshear*, No. 3:10CV-663-R, 2010 WL 5092713, at \*3 (W.D. Ky. Dec. 7, 2010). In this case, Petitioner did not make a sincere attempt to complete the form properly and therefore has not demonstrated that he meets the criteria for poverty. His Application (ECF #2) is denied.

Furthermore, 28 U.S.C. § 2241 gives Federal Courts the power to issue writs of habeas corpus to prisoners who are being held “in violation of the Constitution or laws or treaties of the United States.” *Rice v. White*, 660 F.3d 242, 249 (6th Cir. 2011) (quoting Section 2241(c)). Relief in habeas corpus is available to prisoners and those being unlawfully detained. Petitioner is not a prisoner or a detainee. He cannot use a § 2241 habeas corpus Petition to attack a state court judgment in a civil case.

Accordingly, Petitioner’s Application to Proceed *In Forma Pauperis*. (ECF #2) is denied, the Petition is denied and this action is dismissed pursuant to 28 U.S.C. § 2243. This Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), an appeal could not be taken in good faith. Because Petitioner was denied the ability to proceed *in forma pauperis*, this Court will not accept Post Judgment Motions for filing in this case unless and until the filing fee is paid in full.

IT IS SO ORDERED.

s/ Christopher A. Boyko  
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CHRISTOPHER A. BOYKO  
UNITED STATES DISTRICT JUDGE

DATED: June 5, 2018